

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Pacific Gas and Electric Company, a California corporation, for a Permit to Construct the Missouri Flat-Gold Hill 115 kV Power Line Reconductoring Project Pursuant to General Order 131-D. (U 39 E)

Application 13-08-014
(Filed August 13, 2013)

**DECISION REGARDING PACIFIC GAS AND ELECTRIC COMPANY'S
APPLICATION FOR A PERMIT TO CONSTRUCT THE MISSOURI FLAT-
GOLD HILL 115 KV POWER LINE RECONDUCTORING PROJECT****Summary**

This decision grants Pacific Gas and Electric Company's request for a permit to construct the Missouri Flat-Gold Hill 115 kilovolt Power Line Reconductoring Project. This proceeding is closed.

1. Proposed Project

Pacific Gas and Electric Company (PG&E) requests a permit to construct (PTC) to reinforce the electric transmission and distribution system in El Dorado County via its Missouri Flat-Gold Hill 115 kilovolt (kV) Power Line Reconductoring Project (Project). The Project will replace existing conductor (reconductor), replace existing poles, and modify existing lattice steel towers along approximately 12.5 miles of the existing double-circuit Missouri Flat-Gold Hill 115 kV Power Line (Missouri Flat-Gold Hill Line), which extends in a generally east-west direction from Shingle Springs Substation in the community of Shingle Springs, to Clarksville Substation in the community of El Dorado

Hills, to Gold Hill Substation in the City of Folsom. The Project will also reconductor approximately 0.3 miles of the line east of Shingle Springs Substation, and reconductor and convert approximately seven miles of a nearby 60 kV line – Gold Hill No. 1 60 kV Power Line – to 115 kV voltage from Clarksville Substation to just beyond Shingle Springs Substation to allow PG&E to transfer electric loads from Missouri Flat-Gold Hill Line during construction. Once the project is completed, the Gold Hill No. 1 Line will be returned to 60 kV service, but the upgraded facilities will remain in place. Minor modifications will be made to substation equipment and facilities at Shingle Springs, Pacific Western Pipe, Limestone, Clarksville, and Gold Hill substations, and Missouri Flat Switching Station to tie the new conductor into substations and modify existing equipment to accommodate the line upgrades.

The Project is largely located in El Dorado County, the majority of the Project alignment crosses through developed areas, and tower and pole work areas are expected to be reached from existing roads. Rights-of-way (ROW) will be required to accommodate the relocation of approximately 150 feet of an existing distribution feeder line associated with Limestone Substation. No other ROW or easement expansions will be needed.

2. Procedural Background

PG&E filed Application (A.) 13-08-014 on August 13, 2013. On August 28, 2013, PG&E filed a Compliance Filing including a declaration of advertising, posting, and mailing to affected governmental bodies and property owners giving notice of the application, as required by General Order (GO) 131-D, Section XI.A. On September 23, 2013, the Office of Ratepayer Advocates (ORA) filed a response to the application.

On December 23, 2014, the Commission's Energy Division circulated a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) for the project to the State Clearinghouse, Responsible and Trustee Agencies, Property Owners, and Interested Parties, and released the draft MND/Initial Study (IS) for a 45-day public review and comment period. Copies of the draft MND/IS were made available for public review at the Cameron Park Library, El Dorado Hills Library, Folsom Public Library, and on the project website.¹

Written comments were received from three public agencies, one customer-owned electric utility, and PG&E. The comments from public agencies noted permitting and regulatory requirements regarding the quality of surface and groundwaters, traffic impacts related to construction, and treatment of state-listed "rare" plants. The customer-owned electric utility comments noted potential impacts to overhead and/or underground transmission and distribution line easements, electrical load needs/requirements, energy efficiency, utility line routing, and climate change, although no specific deficiencies in the MND/IS were listed. PG&E's comments recommended minor revisions to the MND/IS.

Energy Division issued the Final MND/IS on March 19, 2015, issued an Errata 1² on July 2, 2015, and issued an Errata 2³ on August 31, 2015.⁴ Although a

¹ http://www.cpuc.ca.gov/Environment/info/esa/missouri_flat/index.html.

² Errata 1 consists of a memorandum from Energy Division that provides a description of revisions to the regulatory setting and mitigation measures of the Final MND/IS as a result of comments provided by the California Department of Fish and Wildlife.

³ Errata 2 consists of an update issued by PG&E identifying three project changes necessary since the Final MND/IS, which do not alter any of the findings of significance in the MND/IS.

few revisions were made to clarify and revise certain mitigation measures described in the draft MND/IS, the Final MND/IS does not identify any new significant environmental impacts, and does not omit any existing mitigation measures, from those identified in the draft MND/IS.

On March 23, 2015, a telephonic prehearing conference was held pursuant to Rule 7.2 of the Commission's Rules of Practice and Procedure. PG&E and ORA were in attendance.

On March 30, 2015, ORA filed a motion to withdraw its response and party status. ORA's motion is hereby granted.

On April 1, 2015, PG&E filed a motion to submit a detailed Electromagnetic Field (EMF) Management Plan, which it attached to its motion. PG&E's motion is hereby granted.

3. Scope of Issues

Pursuant to GO 131-D, in order to issue a PTC, the Commission must find that the project complies with the California Environmental Quality Act (CEQA). CEQA requires the lead agency (the Commission in this case) to conduct a review to identify environmental impacts of the project and ways to avoid or reduce environmental damage, for consideration in the determination of whether to approve the project or a project alternative. If the initial study shows that there is no substantial evidence that the proposed project may have a significant effect on the environment, or if the initial study identifies potentially significant effects and the project proponent makes or agrees to revisions to the project plan

⁴ The Final MND/IS is hereby identified as reference Exhibit A, Errata 1 is hereby identified as reference Exhibit B, and Errata 2 is hereby identified as reference Exhibit C. Exhibits A, B, and C are received into the record of this proceeding.

that will reduce all project-related environmental impacts to less than significant levels, then the lead agency shall prepare a negative declaration or MND, subject to public notice and the opportunity for public review and comment. (CEQA Guidelines §§ 15070-15073.)

CEQA requires that, prior to approving the project or a project alternative, the lead agency consider the MND along with any comments received during the public review process, and that the lead agency adopt the MND only if it finds on the basis of the whole record that there is no substantial evidence that the project will have a significant effect on the environment and that the MND reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15074 (a)-(b).)

If the lead agency adopts an MND, CEQA requires that it also adopt a program for monitoring or reporting on the changes or conditions required to mitigate or avoid significant environmental effects. (CEQA Guidelines § 15074(d).)

In addition, pursuant to GO 131-D and Decision (D.) 06-01-042, the Commission will not certify a project unless its design is in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures.

As described previously, the Energy Division has prepared a Final MND/IS for the proposed project. Accordingly, the issues to be determined in this proceeding are:

1. Is there substantial evidence that, with the incorporation of mitigation measures identified in the Mitigation Implementation and Monitoring Plan included in the Final MND/IS, all project-related environmental impacts can be reduced to less than significant levels?

2. Was the Final MND/IS completed in compliance with CEQA, did the Commission review and consider the Final MND/IS prior to approving the project, and does the Final MND/IS reflect the Commission's independent judgment and analysis?
3. Is the proposed project designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures?

4. Environmental Impacts

The proposed project will have either no significant impacts or less than significant impacts with respect to agriculture and forestry resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

The proposed project has potentially significant impacts with respect to aesthetics, air quality, biological resources, geology, soils, and seismicity, and noise. The incorporated mitigation measures identified in the Mitigation, Monitoring, Reporting, and Compliance Program included in the Final MND/IS will reduce those potentially significant impacts to less than significant levels.

5. EMF

The Commission has examined EMF impacts in several previous proceedings.⁵ We found the scientific evidence presented in those proceedings was uncertain as to the possible health effects of EMFs and we did not find it appropriate to adopt any related numerical standards. Because there is no agreement among scientists that exposure to EMF creates any potential health

⁵ See D.06-01-042 and D.98-11-013.

risk, and because CEQA does not define or adopt any standards to address the potential health risk impacts of possible exposure to EMFs, the Commission does not consider magnetic fields in the context of CEQA and determination of environmental impacts.

However, recognizing that public concern remains, we do require, pursuant to GO 131-E, Section X.A, that all requests for a PTC include a description of the measures taken or proposed by the utility to reduce the potential for exposure to EMFs generated by the Proposed Project. We developed an interim policy that requires utilities, among other things, to identify the no-cost measures undertaken, and the low-cost measures implemented, to reduce the potential EMF impacts. The benchmark established for low-cost measures is four percent of the total budgeted project cost that results in an EMF reduction of at least 15 percent (as measured at the edge of the utility ROW).

The proposed project identifies two areas with no-cost and low-cost measures to reduce the potential exposure to EMFs. First, along the Missouri Hill-Gold Flat 115 kV lines Nos. 1 and 2, PG&E proposes to arrange the phasing on line No. 2 for minimum magnetic field level at the edge of the ROW, a no-cost measure that will reduce magnetic field levels by 16.9%. PG&E proposes to raise the height of thirteen poles in the school and residential land use areas by 10 feet taller than required for meeting GO 95, a low-cost measure that will result in a magnetic field reduction of 33.4%.

Second, along the Gold Hill 60 kV line No. 1, PG&E proposes to temporarily increase the operating voltage from 60 kV to 115 kV, a no-cost measure that will reduce magnetic field levels by 47%. PG&E proposes to raise the height of 29 poles in the high density residential land use areas by 10 feet

taller than required for meeting GO 95, a low-cost measure that will result in a magnetic field reduction of 34.2%.

These measures comply with PG&E's EMF Design Guidelines prepared in accordance with the Commission's EMF decisions D.98-11-013 and D.06-01-042.

6. Waiver of Comment Period

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Section 311(g)(2) of the Public Utilities Code and Rule 14.6(c)(2) of the Commission's Rules of Practice and Procedure, the otherwise applicable 30-day period for public review and comment is waived.

7. Categorization and Need for Hearings

In Resolution ALJ 176-3320, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. We confirm these initial determinations.

8. Assignment of Proceeding

Carla Peterman is the assigned Commissioner, Hallie Yacknin is the assigned Administrative Law Judge, and Karin Hieta is the assigned Administrative Law Judge Pro Tem in this proceeding.

Findings of Fact

1. The proposed project will have either no significant impacts or less than significant impacts with respect to agriculture and forestry resources, cultural resources, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, transportation and traffic, and utilities and service systems.

2. With the implementation of the mitigation measures identified in the Mitigation, Monitoring, Reporting, and Compliance Program identified in the

MND and attached to this order, potentially significant impacts with respect to aesthetics, air quality, biological resources, geology, soils, and seismicity, and noise will be reduced to less than significant levels.

3. The proposed project is designed in compliance with the Commission's policies governing the mitigation of EMF effects using low-cost and no-cost measures.

4. The Final MND/IS was completed in compliance with CEQA.

5. The Commission has reviewed and considered the information contained in the Final MND/IS.

6. The Final MND/IS reflects the Commission's independent judgment and analysis.

Conclusions of Law

1. Pacific Gas and Electric Company should be granted a permit to construct the Missouri Flat-Gold Hill 115 kV Power Line Reconductoring Project in conformance with the Mitigation, Monitoring, Reporting, and Compliance Program attached to this order.

2. The proceeding should be categorized as ratesetting.

3. Hearings are not needed.

4. ORA's motion to withdraw its response and party status should be granted.

5. PG&E's motion to submit a detailed EMF plan should be granted.

6. This proceeding should be closed.
7. This order should be effective immediately.

O R D E R

IT IS ORDERED that:

1. Pacific Gas and Electric Company is granted a permit to construct the Missouri Flat-Gold Hill 115 kV Power Line Reconductoring Project in conformance with the Mitigation, Monitoring, Reporting, and Compliance Program attached to this decision as Appendix A.
2. The Mitigation, Monitoring, Reporting, and Compliance Program, included as part of the Final Mitigated Negative Declaration/Initial Study and attached this order, is adopted.
3. Energy Division may approve requests by Pacific Gas and Electric Company for minor project refinements which meet the fixed criteria described below and that may be necessary to complete the Missouri Flat-Gold Hill 115 kV Power Line Reconductoring Project due to final engineering or other reasons. Minor project refinements cannot create a new significant impact or a substantial increase in the severity of a previously identified significant impact, based on the thresholds used in the Mitigated Negative Declaration. They cannot require new conditions for approval, without which the refinements would result in a new significant impact or a substantial increase in the severity of a previously identified significant impact. They cannot conflict with any mitigation measure or applicable law or policy or trigger an additional permit requirement. Specifically, they must not change mitigation measures. Minor project refinements must be located within the geographic boundary of the study area of

the Mitigated Negative Declaration. Pacific Gas and Electric Company shall seek any other project refinements by a petition to modify this decision.

4. Exhibits A, B, and C are received.

5. The Office of Ratepayer Advocates' motion to withdraw its response and party status is granted.

6. Pacific Gas and Electric Company's motion to submit a detailed Electromagnetic Field Management Plan is granted.

7. Application 13-08-014 is categorized as ratesetting.

8. Hearings are not needed.

9. Application 13-08-014 is closed.

This order is effective today.

Dated _____, at Sacramento, California.